

LOCAL LAW NUMBER 1 OF 1988

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 LEGISLATIVE FINDINGS.

The Board of Trustees of the Village of Cambridge hereby makes the following legislative findings:

(a) Section 6-628 of the Village Law of the State of New York requires that prior written notice be given to the Village Clerk of the existence of any defective, unsafe or obstructed condition upon certain enumerated Village property as a condition precedent to the commencement of a civil action against the Village for damages or injuries to persons or property sustained as a result thereof.

(b) New York Courts which have construed the content of Section 6-628 of the Village Law and its companion provision in Section 65-a of the Town Law have in some instances held that the provisions of said Section do not extend to Village owned or controlled properties other than those specifically enumerated in the statute.

(c) Section 10(1)(ii)(e)(3) of the Municipal Home Rule Law of the State of New York gives Village Governments the authority to amend or supercede by Local Law the provisions of the Village Law of the State of New York as enacted by the Legislature, unless the Legislature has expressly prohibited the adoption of such a Local Law.

(d) The Board of Trustees of the Village of Cambridge wishes, by the adoption of this Local Law, to extend the protection which Section 6-628 of the Village Law of the State of New York affords to the Village of Cambridge by requiring, as a condition precedent to the commencement of a civil action against the Village for injury to persons or property, the filing of prior written notice to the Village Clerk of the existence of a defective, unsafe or obstructed condition upon any property owned or maintained by the Village of Cambridge, and not just upon the property specifically enumerated in Section 6-628 of the Village Law.

(e) The adoption of such a Local Law has not been expressly prohibited by the Legislature of the State of New York.

1.2 STATEMENT OF LEGISLATIVE INTENT AND PURPOSE.

By the adoption of this Local Law the Board of Trustees of the Village of Cambridge declares its intent to protect and promote the health, safety and general welfare of the community and citizens of the Village of Cambridge by expanding the protection afforded to the said Village of Cambridge by the provisions of Section 6-628 of the Village Law of the State of New York. The purpose of this Local Law is thus to amend the provisions of said Section 6-628 of the Village Law by extending the prior notice requirement contained therein to all properties now or hereafter owned, operated, maintained or controlled by the Village of Cambridge.

SECTION 2.0

LIMITATION OF CIVIL ACTIONS AGAINST THE VILLAGE OF CAMBRIDGE

2.1 PRIOR NOTICE REQUIRED.

No civil action shall be maintained against the Village of Cambridge or any of its officers or employees for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, highway marking, traffic sign, device, signal or control, street light, telephone pole, tree, fence, curb, sidewalk, driveway, crosswalk, parking lot, fire hydrant, water main, stairs, steps, buildings, signs, or any other property above or below the surface of the ground which is owned, operated, maintained and/or controlled by the Village of Cambridge being defective, out of repair, unsafe, dangerous, or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, stairs, steps, building, sign, street, highway, parking lot, bridge or culvert, unless actual written notice of the

defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe.

2.2 DEFINITION OF "ACTUAL WRITTEN NOTICE".

The term "actual written notice" appearing in subsection 2.1 above, shall, for the purpose of this Local Law, mean a written notice which states with particularity the exact nature and location of the complained of condition and which is actually given to the Village Clerk of the Village of Cambridge at least 24 hours prior to the occurrence of the damages or injuries allegedly occurring as a result of said condition.

SECTION 3.0 ADMINISTRATION

3.1 RECORDS OF WRITTEN NOTICE.

The Village Clerk of the Village of Cambridge shall keep an indexed record of all written notices which he shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon any Village street, highway, bridge, culvert, highway marking, traffic sign, device, signal or control, street light, telephone pole, tree, fence, curb, sidewalk, driveway, crosswalk, parking lot, fire hydrant, water main, stairs, steps, buildings, signs, or any other property above or below the surface of the ground which is owned, operated, maintained and/or controlled by the Village, or of an accumulation of ice or snow upon any Village sidewalk, crosswalk, stairs, steps, building, sign, street, highway, parking lot, bridge or culvert, which record shall state the date of receipt of the notice, the nature and location of the

condition stated to exist, and the name and address of the person from whom the notice is received.

3.2 INDEXING BY LOCATION.

All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice.

3.3 NOTICE TO SUPERINTENDENT OF PUBLIC WORKS.

The Village Clerk shall, upon receipt of such a written notice, cause said written notice to be brought to the attention of the Village Superintendent of Public Works at the earliest possible opportunity.

3.4 NOTICE TO VILLAGE BOARD.

The Village Clerk shall, at the Board Meeting next following receipt of such written notice by him, or within 10 days, whichever is sooner, cause said written notice to be brought to the attention of the Board of Trustees. The record of each notice shall be preserved for a period of 5 years after the date it is received.

SECTION 4.0

VALIDITY OF LAW

If any term or provision of this Local Law, or the application thereof to any person or circumstance, shall to any extent be declared by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this Local Law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Local Law shall be valid and be enforced to the fullest extent permitted by law.

SECTION 5.0

EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED, this 1 day of Feb., 1988 by the Board of Trustees of the Village of Cambridge, of Washington County, New York.

Philip J. Sica
Philip J. Sica, Mayor

Richard C. Feus
Richard C. Feus, Trustee

Daniel W. Foster
Daniel W. Foster, Trustee

Robert J. Worboys
Robert J. Worboys, Trustee

Randy L. Waite
Randy L. Waite, Trustee

SEAL

ATTEST:

Orville C. Burton
Orville C. Burton
Village Clerk

